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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

COMMISSIONERS

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GARY PIERCE - Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY	
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IN THE MATTER OF THE APPLICATION  
OF WINDSTREAM NUVOX, INC. FOR  
APPROVAL OF A CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO  
PROVIDE RESOLD LOCAL EXCHANGE  
TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-20786A-11-0088

PROCEDURAL ORDER

**BY THE COMMISSION:**

On February 24, 2011, Windstream NuVox, Inc. ("WinNuVox") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N") to provide intrastate resold local exchange services in Arizona and to have those services deemed competitive. In its application, WinNuVox included a proposed legal notice and stated that affidavits of publication would be submitted after publication was completed.

On May 23, 2011, the Commission's Utilities Division ("Staff") filed a copy of WinNuVox's Responses to Staff's First Data Request, which had been e-mailed to Staff by WinNuVox on April 27, 2011.

On June 3, 2011, Staff issued a Staff Report recommending approval of WinNuVox's application, with conditions.

On June 28, 2011, a Notice of Appearance was filed by local counsel for WinNuVox.

On July 11, 2011, WinNuVox filed an original and copies of a \$25,000 performance bond.

No affidavit of publication has been filed to demonstrate that WinNuVox has published notice of its application for a CC&N. Nor did the Staff Report assert that such publication had been made. Thus, it is necessary and appropriate to require WinNuVox to have such notice published, if publication has not already occurred, and to file an affidavit of publication demonstrating that such notice has been published.

1 IT IS THEREFORE ORDERED that WinNuVox shall, by August 12, 2011, publish notice  
2 of its application for a CC&N, in a newspaper of general circulation in each county in Arizona in  
3 which WinNuVox desires authority to provide service, using the form of notice attached as **Exhibit**  
4 **A** hereto.<sup>1</sup>

5 IT IS FURTHER ORDERED that WinNuVox shall, by August 26, 2011, file in this docket  
6 an **Affidavit of Publication** showing that the required notice has been published.

7 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
8 31 and 38 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

9 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
10 Communications) applies to this proceeding and shall remain in effect until the Commission's  
11 Decision in this matter is final and non-appealable.

12 IT IS FURTHER ORDERED that any motion filed in this matter, other than a motion to  
13 intervene, that is not ruled upon by the Commission within 20 calendar days of the filing date of the  
14 motion shall be deemed denied.

15 IT IS FURTHER ORDERED that any response to a motion, other than a motion to intervene,  
16 shall be filed within five calendar days of the filing date of the motion.

17 IT IS FURTHER ORDERED that any reply related to a motion shall be filed within five  
18 calendar days of the filing date of the response to the motion.

19 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
20 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
21 hearing.

22 DATED this 12<sup>th</sup> day of July, 2011.

23  
24   
25 SARAH N. HARPRING  
26 ADMINISTRATIVE LAW JUDGE

27 <sup>1</sup> If WinNuVox has already published notice of this proceeding that conforms to this Procedural Order, WinNuVox  
28 may forgo additional publication and instead file Affidavits of Publication demonstrating that such notice has been  
published.


1 Copies of the foregoing mailed/delivered  
2 this 12<sup>th</sup> day of July, 2011, to:

3 Michael W. Patten  
4 ROSHKA DEWULF & PATTEN, PLC  
5 One Arizona Center  
400 East Van Buren Street, Suite 800  
Phoenix, AZ 85004  
Attorney for Windstream NuVox, Inc.

6 Jean L. Kiddoo  
7 Brett P. Ferencak  
8 Kimberly A. Lacey  
BINGHAM MCCUTCHEN LLP  
2020 K Street, N.W.  
Washington, D.C. 20006

9 Janice Alward, Chief Counsel  
10 Legal Division  
ARIZONA CORPORATION COMMISSION  
11 1200 West Washington Street  
Phoenix, AZ 85007

12 Steven M. Olea, Director  
13 Utilities Division  
ARIZONA CORPORATION COMMISSION  
14 1200 West Washington Street  
Phoenix, AZ 85007

15 By:   
16 Debra Broyles  
Secretary to Sarah N. Harpring

**EXHIBIT A**  
**SAMPLE LEGAL NOTICE FOR RESOLD LOCAL EXCHANGE**  
**TELECOMMUNICATIONS SERVICES**

**NOTICE OF APPLICATION OF [ENTER APPLICANT'S NAME] FOR A CERTIFICATE OF**  
**CONVENIENCE AND NECESSITY TO PROVIDE COMPETITIVE RESOLD LOCAL**  
**EXCHANGE TELECOMMUNICATIONS SERVICES, DOCKET NO. [ENTER DOCKET NO.]**

[Enter Applicant's Name] ("Applicant") has filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide competitive resold local exchange telecommunications services in the State of Arizona. Applicant will be required by the Commission to provide these services under the rates and charges and terms and conditions established by the Commission.

A.R.S. § 40-282 provides that the Commission may act on an application for a Certificate to provide resold telecommunications services without a hearing, or with a hearing, if one is requested by any party. Applicant or any other party must request a hearing within twenty (20) days of the date of this notice, or the Commission will rule on the application without a hearing.

The application, report of the Commission's Utilities Division Staff, and any applicant response to the Staff report are available for inspection during regular business hours at the offices of the Commission located at 1200 West Washington Street, Phoenix, Arizona 85007, and at Applicant, [Enter Applicant's Address]. The documents are also available on the Commission's website at [www.azcc.gov](http://www.azcc.gov) using the e-Docket function.

If you have any questions about the application or have any objections to its approval, you may contact the Consumer Services Section at 1-800-222-7000 or 602-542-4251. Written public comments may be submitted by mailing a letter referencing Docket No. [Enter Docket No.] to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by e-mail. For a form to use and instructions on how to e-mail comments to the Commission, go to [http://www.azcc.gov/divisions/utilitiestest/forms/public\\_comment.pdf](http://www.azcc.gov/divisions/utilitiestest/forms/public_comment.pdf). All Comments should be received within twenty (20) days of the date of this notice.

Under appropriate circumstances, interested parties may intervene in the proceedings and participate as a party. Intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed within twenty (20) days of the date of this notice. Information about requesting intervention is available on the Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request reasonable accommodations such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shaylin Bernal, ADA Coordinator, phone number 602-542-3931, or Email at [SABernal@azcc.gov](mailto:SABernal@azcc.gov). Requests should be made as early as possible to allow time to arrange the accommodations.